

REMARKS

Applicants hereby amend claim 13, cancel claims 1, 4, 5, 8-12, 14, 16, 19, 21-23, and 25-28 without prejudice or disclaimer, and add new claims 59-75. Claims 2, 3, 6, 7, 15, 17, 18, 24, and 29-58 were previously canceled. Claims 13, 20, and 59-75 are currently pending, with claims 13, 64, and 70 being in independent form.

Applicants thank the Examiner for the courtesies extended to Applicants' representative in an interview on March 31, 2009. In the interview, the pending rejections and proposed Amendments to the claims were discussed.

In the Office Action mailed December 23, 2008¹ the Examiner took the following actions:

rejected claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement;

rejected claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement;

rejected claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite;

rejected claims 1, 4, 5, and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Wade, *Customs Aims to Keep Their Pledge*; [Final Edition], San Antonio Express-News, San Antonio, Tex., March 30, 1997, p. 3k ("Wade") in view of U.S. Patent No. 6,115,690 to Wong ("Wong"), in view of Coalition for Secure and Trade-Efficient Borders, *Rethinking*

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

our Borders: A Plan for Action ("Coalition"), and in view of U.S. Patent Publ. No. 2003/0115133 to Bian ("*Bian*"); and

rejected claims 13, 14, 16, 19-23, and 25-28² under 35 U.S.C. § 103(a) as being unpatentable over *Coalition* in view of *Wong* and in view of *Bian*.

I. Rejection of claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, first paragraph

In the Office Action, the Examiner rejected claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner stated that "the specification does not provide support for any 'computer-readable medium encoding instructions'." Office Action at 2. Applicants respectfully disagree. For example, many of the application figures illustrate various computer-implemented embodiments of the present invention. For example, Figure 5 depicts a system including, for example, computer processing devices, databases, and data sources, and Figure 4 depicts servers and data resources such as databases. These and many other computer-related descriptions support claims to a computer instruction encoded on computer readable media.

The Examiner also rejected claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner stated that "the

² The Office Action lists claims 13, 14, 16, 19-24 and 24-28 as being rejected on page 8. However, claim 24 has been previously canceled. As such, Applicants assume that the Examiner intended to reject 13, 14, 16, 19-23 and 25-28. Applicants requests that the Examiner contact its representative if this assumption is not correct.

specification does not disclose how the neural networks and rules-based algorithms are applied so that information is either transformed into intelligence or how risk is scored." Office Action at 3. Applicants disagree that the specification does not provide such a disclosure. Specifically, Applicants note that the specification provides an enabling disclosure for applying "neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms to synthesize information, identify patterns, analyze historical information, and develop risk scores" as is currently recited by new claims 59, 64, and 71 in at least paragraphs [00016], [00023], [00056], [00060], [00075], [00080], [00084], [00085], [000135], [000136], [000138], [000139], [000141], [000142], and [000148], and Figs. 1, 3, and 12-14. One of skill in the art would be able to implement these techniques without undue experimentation in view of this disclosure. Further, by this amendment, without disclaiming the underlying subject matter, claims 1, 4, 5, 8-12, 14, 16, 19, 21-23, and 25-28 are canceled and "neural networks and rules-based algorithms" are no longer recited in claim 13, thereby rendering the rejection of those claims moot.

In view of the above, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 112, first paragraph.

II. Rejection of claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, second paragraph

In the Office Action, the Examiner rejected claims 1, 4, 5, 8-14, 16, 19-23, and 25-28 under 35 U.S.C. § 112, first paragraph, as being indefinite. The Examiner stated that the terms “business process” in claim 1 and “capability quadrant” in claim 23 are “indefinite because the specification does not clearly redefine them.” Office Action at 4. The Examiner also stated that it was unclear how software instructions could include channels, “and additionally elements and external data sources.” *Id.* at 4-5. Although Applicants do not agree with the Examiner’s characterization, claims 1, 4, 5, 8-12, 14, 16, 19, 21-23, and 25-28 have been canceled, and claim 13 has been amended so that the “instructions for implementing a border management application architecture” no longer affirmatively recite “channels” but instead recite interfaces for interconnecting channels, thereby rendering these rejections moot.

III. 35 U.S.C. § 103(a) Rejection of claims 1, 4, 5, and 8-12

Claims 1, 4, 5, and 8-12 have been canceled, therefore, the rejection of these claims under 35 U.S.C. § 103(a) has been rendered moot.

IV. 35 U.S.C. § 103(a) Rejection of claims 13, 14, 16, 19-23, and 25-28

Claims 14, 16, 19, 21-23, and 25-28 have been canceled, therefore, the rejection of these claims under 35 U.S.C. § 103(a) has been rendered moot. Applicants respectfully traverse the rejection of claims 13 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Coalition* in view of *Wong* and in view of *Bian*.

Neither *Coalition*, *Wong*, nor *Bian*, considered together or independently, teaches or suggests the method recited in independent claim 13 as amended. For example, the

cited references, considered together or independently, do not teach or suggest a combination that includes:

providing a set of core applications for standard border management functions in a **shared applications architecture, wherein the set of core applications includes a process imports application, a process exports application, one or more investigation applications, an entry processing application, an exit processing application, and a form submission and processing application; . . .**

providing one or more management access interfaces for interconnecting one or more management access channels with the set of core applications **to thereby provide access points and tools for the sharing and access of border management data among the set of core applications;** and

providing an enforcement database storing case data and individual data;

wherein the set of core applications further comprise a set of case management applications, wherein the set of case management applications further comprise a set of intelligence applications used to transform the border management data into intelligence **using the shared border management data and the case data and the individual data stored in the enforcement database.**

as recited in amended independent claim 13 (emphasis added).

Addressing *Coalition*, the Office Action cites to page 7, paragraphs 5 and 7 as disclosing “the Internet interconnects customer channels and applications when the customer is reporting information to the government.” Office Action at 11. The Office Action also cites to page 7, paragraphs 5 and 10 as disclosing “the Internet provides access points” and “Canada and US invest in joint systems to create integrated systems” when addressing the “one or more management access channels” as formerly

recited in claim 13. Office Action at 11. The Office Action also states that *Coalition* discloses "applying the sharing of data and intelligence in relation to border management as it relates to people and goods" citing to page 22, paragraph 11, and "centralized applications processing"/"centralized visa applications processing in order to improve risk management," citing to page 15, paragraph 5 of *Coalition*. Office Action at 11-12. The Office Action cites to page 16, paragraph 15 through page 17, paragraph 1 of *Coalition* as disclosing "the need for information sharing using a database that contains information from all of Canada's immigration, law enforcement, security agencies, international policing agencies, and records of entries and exits in order to track compliance with residency rules." Office Action at 12.

In none of these cited excerpts, nor elsewhere in *Coalition*, is there a teaching or suggestion of the claimed combination. Applicants note that page 22, paragraph 11 is referring to the sharing of information "from shippers to both the Canadian and American governments." When viewed in context, page 15, paragraph 15, is referring to a "single processing centre" for visa applications. Similarly, the excerpt of page 16, paragraph 15 through page 17, paragraph 1 refers to a "database to screen visa applicants." See bulleted heading above paragraph 15. These excerpts, and the general statements made on page 7, are hardly a teaching of providing one or more management access interfaces for interconnecting one or more management access channels with a set of core applications, including a set of intelligence applications, to thereby provide access points and tools for the sharing and access of border management data among the set of core applications, where the intelligence application is used to transform the border management data into intelligence using the shared

border management data and case data and individual data stored in an enforcement database.

Wong and *Bian*, considered independently or together with *Coalition*, do not overcome the deficiencies of *Coalition*, as neither of these references teaches or suggests providing one or more management access interfaces for interconnecting one or more management access channels with a set of core applications, including an intelligence application, to thereby provide access points and tools for the sharing and access of border management data among the set of core applications, where the intelligence application is used to transform the border management data into intelligence using the shared border management data and case data and individual data stored in an enforcement database.

As another example, the cited references, considered together or independently, do not teach or suggest a combination that includes transforming the border management data into intelligence using shared border management data and case data and individual data stored in an enforcement database as is recited in claim 13.

In view of the above, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Consequently, the Office Action has failed to clearly articulate a reason why claim 13 would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for at least the reasons discussed above and the Examiner should withdraw the rejection of amended independent claim 13 under 35 U.S.C. § 103(a). Applicants

respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection of claims 13 and its dependent claim 20.

V. 35 U.S.C. § 103(a) Rejection of claim 18

Claim 18 has been canceled, therefore, the rejection of this claims under 35 U.S.C. § 103(a) has been rendered moot.

VI. New claims 59-75

New claims 59-75 are neither anticipated by nor obvious over *Wade*, *Wong*, *Coalition*, and *Bian*, considered independently or together.

First, regarding new independent claim 64, none of *Wade*, *Wong*, *Coalition*, *Bian*, and *Air Safety Week*, considered together or independently, teaches or suggests the "computer-implemented method for implementing an integrated border management system for managing individual and trade border transactions" of new independent claim 64. For example, the cited references, considered independently or in combination, do not teach or suggest a "border management knowledge base" storing "individual border transaction requests", "trade border transaction requests", "individual entry data and trade import data," and "irregular individual and trade border transaction activity," much less "analyzing, by an intelligence engine, at least one of the individual entry data, the trade import data, the individual border transaction request, and the trade border transaction request stored in the border management knowledge base to generate border intelligence for detecting irregular individual and trade border transaction activity wherein the analyzing includes applying neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms to synthesize

information, identify patterns, analyze historical information, and develop risk scores," as is recited in new claim 64.

Also, none of the cited references teach or suggests "monitoring the receipt of the individual border transaction request and trade border transaction request, the storing of the requests in the border management knowledge base, the receipt of the individual entry data and trade import data, and the storing of the individual entry data and trade import data in the border management knowledge database using a security and integration open architecture" as recited in claims 64.

This unique combination of claim 64 is absent from the cited references, and as such, allowance of new claim 64, as well as new dependent claims 65-69, is earnestly requested.

New independent claim 70 recites a computer-readable medium encoding instructions for implementing a border management application architecture. Although different in scope from claim 13, new claim 70 contains similar recitations to claim 13 and is therefore allowable at least for the reasons discussed above in connection with claim 13.

In addition, *Wade*, *Wong*, *Coalition*, *Bian*, and *Air Safety Week*, considered together or independently, do not teach or suggest a combination that includes "[a] set of intelligence applications [that] includes an information synthesis application and a risk scoring and analytics application that applies neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms to synthesize information, identify patterns, analyze historical information, and develop risk scores," as recited in new dependent claims 59 and 71.

Next, the cited references, considered together or independently, do not teach or suggest a combination that includes "[border] intelligence [that] includes advance passenger information, denied passenger information, alerts, watch lists, case patterns, tips, expired visa and overstay information, investigation initiations, and alert list additions," as is recited in new claims 60, 64, and 72.

In addition, the cited references do not teach or suggest a combination that includes "intelligence applications [that] communicate the intelligence to a communication device of an officer," as recited in claims 61 and 73 or "communicating, from [an] intelligence engine, the intelligence to a border management officer" as recited in claim 65. *Wade, Wong, Coalition, Bian, and Air Safety Week*, considered together or independently, also do not teach or suggest a combination that includes "providing a shared security and integration open architecture between [a] customer channel interface and [a] set of core applications [including a process imports application, a process exports application, one or more investigation applications, an entry processing application, an exit processing application, and a form submission and processing application], the shared security and integration open architecture monitoring access to the core applications" as is currently recited in claims 62 and 74.

The cited references also do not teach or suggest "providing an aggregation engine synthesizing information from multiple external data sources, wherein the shared security and integration open architecture further monitors access to the external data sources, and wherein the set of intelligence applications are used to transform the border management data into the intelligence using the synthesized external data sources" as recited in new dependent claims 63 and 75.

New claims 59-75 are fully supported by the figures, specification and claims of the original application including, for example, Figures 3-5 and 12-14 paragraphs 48-53, 57, 60, 65, 73, 76, 79-82, 84, 114-116, 119, 134-136, 141, 144, and 148 of the specification and original claims 8 and 12. No new matter has been added.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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